

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SECOND AMENDMENT ARMS (a d/b/a of)
R. Joseph Franzese), R. JOSEPH FRANZESE,)
individually and d/b/a SECOND AMENDMENT)
ARMS, ROBERT M. ZIEMAN, SR., ICARRY,)
an unincorporated Association (and d/b/a of Shaun)
Kranish), SHAUN KRANISH, individually and)
d/b/a ICARRY, and TONY KOLE,)
)
Plaintiffs,)
)
v.)
)
)
CITY OF CHICAGO, a municipal corporation,)
RAHM EMANUEL, in his official capacity as)
Mayor of the City of Chicago, GARRY)
McCARTHY, Superintendent of Police of the City)
of Chicago, and SUSANA MENDOZA, City Clerk)
of the City of Chicago,)
)
Defendants.)

Case No: 1:10-CV-4257

Hon. Robert M. Dow, Jr.
U.S. District Court Judge

Hon. Sheila M. Finnegan
U.S. Magistrate Judge

MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

NOW COME the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, Robert M. Zieman, Sr., and Tony Kole, and, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure (F.R.Civ.P. 15(a)(2)), move this Honorable Court to grant Plaintiffs leave to file their Fourth Amended Complaint in this matter. In support thereof, Plaintiffs state as follows:

1. Plaintiffs were due to file a Fourth Amended Complaint by September 3, 2014. On October 7, 2014, Plaintiffs notified the Court they would require until October 17, 2014 to do so. This was not only due to Plaintiffs' counsel's caseload, but also due to the numerous recent Court decisions and City ordinance changes that necessitated the amending of the Complaint in the first place.

2. The proposed Fourth Amended Complaint is attached, and addresses the issues caused by the enactment of a series of ordinances that allow and regulate gun stores in the City, as well as preserving previous claims. However, certain claims and parties have been removed due to the change in circumstances.

WHEREFORE, the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, Robert M. Zieman, Sr., and Tony Kole, request this Honorable Court to grant Plaintiffs leave to file their Fourth Amended Complaint, *instanter*, as well as any and all further relief as this Court deems just and proper.

Dated: October 17, 2014

Respectfully submitted,

By: /s/David G. Sigale
David G. Sigale

David G. Sigale (Atty. ID# 6238103)
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CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

1. On October 17, 2014, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;
2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale
Attorney for Plaintiffs

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